

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

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MARISOL JAVIER, as the Mother and Natural Guardian
of ANGEL JAVIER, an infant under the age of fourteen
(14) years, and MARISOL JAVIER, Individually

Index No.:

Plaintiffs

VERIFIED COMPLAINT

-against-

HYDE LEADERSHIP CHARTER SCHOOL, PETER
ANDERSON, JANE DOE TEACHER and NEW YORK
CITY DEPARTMENT OF EDUCATION

Defendants.
-----X

Plaintiffs **MARISOL JAVIER** , as the Mother and Natural Guardian of **ANGEL JAVIER**,
an infant under the age of fourteen(14) years, and **MARISOL JAVIER**, Individually, by their
attorneys **JOSEPH A. MARIA, P.C.** , complaining of the Defendants, respectfully alleges as
follows:

FIRST: At all times hereinafter mentioned Plaintiff MARISOL JAVIER was the mother
and natural guardian of ANGEL MARISOL who is an infant under the age of fourteen (14) years of
age.

SECOND: At all times hereinafter mentioned and continuing to the present were and are
the Plaintiffs residents of the County of Bronx and State of New York.

THIRD: At all times hereinafter mentioned Defendant HYDE LEADERSHIP
CHARTER (Hereinafter referred to as Defendant Hyde) was a not for profit educational
corporation formed under the existing by virtue of New York State law.

FOURTH: At all times hereinafter mentioned Defendant HYDE owned, operated and
managed a Charter School pursuant to an absolute Charter issued to it by New York State Board

of Regents at 730 Bryant Avenue, Bronx, New York and 830 Hunts Point Avenue, Bronx, New York.

FIFTH: At all times hereinafter mentioned Defendant CITY OF NEW YORK DEPARTMENT OF EDUCATION (Board of Education) (Hereinafter referred to as Defendant Department) was and continues to be a municipal department or agency formed under and existing by virtue of New York State law.

SIXTH: At all times hereinafter mentioned Defendant DEPARTMENT was and continues to be a charter entity as defined by Section 2833 of the New York State Charter School Act of 1998 (as amended) as agents to Defendant Hyde's status as a Charter School operated within the City of New York.

SEVENTH: In the form and within the time period required by New York General Municipal Law Section 50-e and other applicable statutes, Plaintiffs served a Notice of Claim upon the Defendants.

EIGHTH: Defendants waived their right to a General Municipal law Section 50-H Hearing by not requesting that Plaintiffs submit to such an examination.

NINTH: More than ninety (90) days have elapsed since Plaintiffs served their Notice of Claim the Defendants have refused or neglected to compromise, settle or adjust their claims.

TENTH: In the Fall 2014 School Semester Defendant HYDE provided educational services to students and grades Kindergarten through Twelfth (12) - in its 730 Bryant Avenue, Bronx, New York location.

ELEVENTH: In the Fall Semester Defendant HYDE hired and employed the teachers who taught its students enrolled in its Kinder through Fifth Grade program, including Defendant JANE DOE TEACHER.

TWELFTH: In the Fall 2014 Semester Defendant HYDE hired and employed school administrators, including the Director of its Kindergarten to Fifth Grade program to direct, manage and operate its Charter School, specifically its Kindergarten through Fifth Grade school program.

THIRTEENTH: In the Fall 2014 Fall Semester Defendant Peter Anderson was Defendant HYDE's Kindergarten through fifth (5th) grade program director.

FOURTEENTH: In the Fall 2014 school semester Defendant Jane Doe was employed by Defendant HYDE as a teacher in its Kindergarten through Fifth (5th) program.

FIFTEENTH: In the Fall 2014 school semester the infant Plaintiff was enrolled in the Second grade.

SIXTEENTH: In the Fall 2014 School Semester Defendant Jane Doe Teacher was the infant Plaintiff's teacher.

SEVENTEENTH: At all times hereinafter mentioned Defendant HYDE, by its administrators and teachers, was required to provide its students with proper, adequate and timely supervision, protection and guidance and protect them from illegal and harmful acts of bullying and unlawful and unauthorized physical contact by other students.

EIGHTEENTH: At all times hereinafter mentioned Defendant HYDE was required to have in full force and effect a written policy and protocol which addressed student bullying in its school.

NINETEENTH: At all times hereinafter mentioned Defendant HYDE was required to enforce said bullying written policy and protocol, by its administrators, teachers and students.

**AS AND FOR A FIRST CAUSE OF ACTION IN FAVOR OF
PLAINTIFFS AND AGAINST DEFENDANTS**

TWENTIETH: The Plaintiffs repeat, reiterates and realleges each and every allegation contained in paragraphs “FIRST” though “NINETEENTH” of this Complaint.

TWENTY-FIRST: In October 9, 2014 and prior thereto the infant Plaintiff ANGEL JAVIER was a Second grade student in Defendant HYDE’S Charter School.

TWENTY-SECOND: In October 9, 2014 and prior thereto Defendant JANE DOE was the infant Plaintiff ANGELO JAVIER’s teacher.

TWENTY-THIRD: In and prior to October 9, 2014 STEVE (last name not known) and HARLAN (last name not known) were classmates of the infant Plaintiff ANGEL JAVIER and students of Defendant JANE DOE.

TWENTY-FOURTH: Prior to October 9, 2014 fellow students Steve and Harlan without permission, just reason or provocation made forceful physical contact with the infant Plaintiff ANGEL JAVIER’s genitalia while on the Defendant HYDE’S Charter School premises and while all three (3) students were under the supervision, guidance, direction and control of its administrators and teachers.

TWENTY-FIFTH: On October 9, 2014 fellow students Steve and Harlan made additional and further forced physical contact with the infant Plaintiff ANGEL JAVIER genitalia while on Defendant Hyde’s Charter School premises and under the supervision, guidance, direction and control of its administrators and teachers.

TWENTY-SIXTH: The actions of fellow students Steve and Harlan constituted bullying of the infant Plaintiff ANGEL JAVIER.

TWENTY-SEVENTH: In October 9, 2014 the infant Plaintiff ANGEL JAVIER advised his teacher JANE DOE of fellow students Steve and Harlan’s improper physical contact with his genitalia.

TWENTY-EIGHTH: Defendant JANE DOE dismissed the infant Plaintiff ANGEL JAVIER's complaints and took no action to lend comfort and assistance to him or investigate his report of bullying and inappropriate sexual contact.

TWENTY-NINTH: The physical contact by fellow students Steve and Harlan caused personal injury to the infant genitalia which was first discovered by Plaintiff MARISOL JAVIER on October 10, 2014.

THIRTIETH: The Plaintiff MARISOL JAVIER, upon learning of the infant Plaintiff being sexually contacted by Steve and Harlan, notified Defendant HYDE's administrators.

THIRTY-FIRST: The Plaintiff MARISOL JAVIER, specifically advised Defendant Hyde's administrator, including Defendant Anderson, of the infant Plaintiff's having been the victim of bullying and sexual abuse. She specifically advised him that all questioning of the infant ANGEL JAVIER was to be done by New York City Police Department personnel or special Social Worker.

THIRTY-SECOND: In direct contradiction of the Plaintiff MARISOL JAVIER's express instruction, three (3) of Defendant Hyde's administrators interrogated the infant Plaintiff ANGEL JAVIER without her or any other person authorized by her present.

THIRTY-THIRD: As a result of the bullying and sexual abuse committed against the infant Plaintiff ANGEL JAVIER's fellow students he sustained and continues to sustain both physical and emotional and psychological injuries and conditions.

THIRTY-FOURTH: Defendants HYDE, ANDERSON and JANE DOE Teacher knew or should have known of the prior bullying and sexual abuse to which the infant Plaintiff ANGEL JAVIER was a victim.

THIRTY-FIFTH: Defendants HYDE by its administrators and teachers failed to formulate, put in practice and enforce rules to prevent bullying in its Charter School.

THIRTY-SIXTH: Defendants were negligent in their operation, management, direction and control of their Charter School as a result of which the infant Plaintiff ANGEL JAVIER was victimized by his fellow students' bullying and offensive physical contact.

THIRTY-SEVENTH: Defendants were further negligent in disregarding the Plaintiff's clearly expressed direction that their administrators and teachers were not to interrogate the infant Plaintiff ANGEL JAVIER.

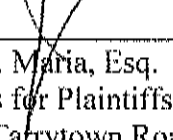
THIRTY-EIGHTH: As a direct result of the Defendants actions and omissions the Plaintiff was caused to become depressed and anxious and refused to continue to attend Defendants' Charter School. He required a transfer to another school for which the Plaintiff MARISOL JAVIER pays tuition.

WHEREFORE the Plaintiffs demand Judgment against the Defendants on their First Cause in an amount which exceeds the jurisdictional amount of all Lower Courts.

Dated: White Plains, New York
October 13, 2015

Respectfully Submitted,

JOSEPH A. MARIA, P.C.

By: 
Joseph A. Maria, Esq.
Attorneys for Plaintiffs
301 Old Tarrytown Road
White Plains, New York 10603
(914) 684-0333
File No.: 01-2195

TO: HYDE LEADERSHIP CHARTER SCHOOL
730 Bryant Avenue
Bronx, New York 10474

PETER ANDERSON
HYDE LEADERSHIP CHARTER SCHOOL
730 Bryant Avenue
Bronx, New York 10474

NEW YORK CITY DEPARTMENT OF EDUCATION
65 Court Street
Brooklyn, NY 11201
Attn.: Chancellor Carmen Farina

VERIFICATION

STATE OF NEW YORK)
)ss.:
COUNTY OF WESTCHESTER)

EDWARD A. FREY, ESQ., says that:

I am the attorney of record, or of counsel with the attorney(s) of record, for Plaintiffs Marisol Javier, as Mother and Natural Guardian of Angel Javier, an infant under the age of fourteen (14) years and Marisol Javier. Individually. I have read the annexed **COMPLAINT** know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following. Facts on file.

The reason I make this affirmation instead of Plaintiffs is that Plaintiffs reside outside the county wherein my offices are located.

I affirm that the foregoing statements are true under penalties of perjury.

Joseph A. Maria, Esq.

Dated: White Plains, New York
October 13, 2015

MARISOL JAVIER, as the Mother and Natural Guardian of ANGEL JAVIER, an infant under the age of fourteen (14) years and MARISOL JAVIER, Individually

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Defendants.

VERIFIED COMPLAINT

JOSEPH A. MARIA, P.C.

Attorney(s) for Plaintiffs

Our File No.:: 01-2195(jc)

301 OLD TARRYTOWN ROAD
WHITE PLAINS, NEW YORK 10601
(914) 684-0333

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certified that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated:.....

Signature.....

Print Signer's Name.....

Service of a copy of the within

is hereby admitted.

Dated:

.....
Attorney(s) for

PLEASE TAKE NOTICE



that the within is a (certified) true copy of a

NOTICE OF
ENTRY

entered in the office of the clerk of the within name Court on

, 2009



that an Order of which the within is a true copy will be presented for settlement to the

NOTICE OF
SETTLEMENT

Hon.
at

One of the judges of the within named Court,
, at M.

20

Dated:

JOSEPH A. MARIA, P.C.

Attorney(s) for

To:

301 OLD TARRYTOWN ROAD
WHITE PLAINS, NEW YORK 10603
(914) 684-0333

Attorney(s) for